



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 23, 2014

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 201
New York, New York 10007

**Re: *United States v. Tyrone Brown, et al.*,
S2 13 Cr. 345 (LGS)**

Dear Judge Schofield:

The Government writes to inform the Court regarding the availability of one of the Government's witnesses for the May 7, 2014 hearing on defendant Tyrone Brown's motion to suppress. As stated in our February 14 and April 7, 2014 letters regarding the suppression hearing, one of the Government's witnesses, Detective Ellis Deloren, has been on medical leave. The Government has recently learned that Detective Deloren has experienced medical complications resulting in an extension of his medical leave. As a result, Detective Deloren will not be available for the May 7, 2014 hearing.

As the Court is aware, Mr. Brown moved to suppress (1) his post-arrest statements and (2) physical evidence seized from his apartment on March 26, 2013. The Government has consented to a hearing regarding Mr. Brown's motion to suppress his post-arrest statements, but believes Mr. Brown's motion to suppress the physical evidence seized from his apartment should be denied as a matter of law without a hearing. As such, the Government proposes to proceed with the hearing scheduled for May 7, 2014, and is prepared to present the testimony of Special Agent John Reynolds in connection with Mr. Brown's motion to suppress his post-arrest statements.

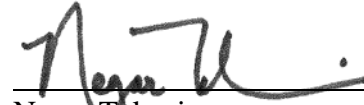
Based on our conversations with Mr. Brown's defense counsel, John Rodriguez, Esq., we understand that Mr. Rodriguez does not agree to the Government's proposal because Mr. Brown continues to seek a hearing on the issue of the physical evidence seized from his apartment. Mr. Rodriguez has informed the Government that he intends to cross-examine Detective Deloren regarding the search of Mr. Brown's apartment, and, therefore, does not consent to a hearing

going forward without Detective Deloren's presence. Again, as the Government does not believe a hearing is necessary regarding the physical evidence seized from Mr. Brown's apartment, the Government writes to notify the Court that it is prepared to proceed with the testimony of Special Agent Reynolds on May 7, 2014.

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

By:

A handwritten signature in dark ink, appearing to read 'Negar Tekei', is written over a horizontal line.

Negar Tekei
Assistant United States Attorney
(212) 637-2482

cc: John M. Rodriguez, Esq. (By ECF)